

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1377-MN-JLH

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1378-MN-JLH

[PROPOSED] ORDER

At Wilmington, this _____ day of _____, 2023, the Court having considered the parties' joint Motion for Conference to Resolve Discovery Dispute and Masimo's Motion for Conference to Resolve Discovery Dispute (C.A. 22-1377, D.I. 276, 278; C.A. 22-1378, D.I. 298, 300) and the papers submitted in connection therewith;

IT IS HEREBY ORDERED that (1) Apple shall provide discovery regarding any unreleased Apple Watch that Apple may announce or offer for sale in the U.S. this year; (2) Apple shall produce (or if applicable, identify on a privilege log) all emails that hit on Masimo's Email Request No. 5; (3) Apple shall produce (or if applicable, identify on a privilege log) all of Jeffrey Myers's emails that hit on Masimo's narrowed list of 10 queries; and (4) Apple shall produce (or if applicable, identify on a privilege log) all emails that hit on Masimo's Email Requests and shall not withhold any hits based on, for example, any "responsiveness" filter or review.

The Honorable Jennifer L. Hall
United States Magistrate Judge